

NEW MARK COMMONS HOMES ASSOCIATION, INC.
ANNUAL MEETING
WEDNESDAY, MARCH 21, 1990

ATTENDEES: Ron Anderson, Geoff Becker, Herb Brubaker, Bente Cooney, Walter Counts, Judy & Norman Doctor, Dee Farrell, Kelly & John Flocks, Don Gangloff, Howard Groedel, Raj Gupta, Rudolf Hormuth, Rick Kahn, Arthur Katz, Rose Krasnow, Joe Lackey, David Melnick, Michael & Carol Miller, Ralph Mittelberger, Charles Molyneaux, Vida & Jim Neustadt, Sima Osdoby, Sonia Perry, Steve Plotkin, Alan Price, Milt & Penny Puziss, Mitchell Shein, Linda Silversmith, Jacob & Hilde Stempel, David Wolfe.

The meeting was called to order by President Steve Plotkin at 7:45 P.M. The minutes of the last Annual Meeting were approved as written, except for one minor correction concerning the proper title for Mr. Smallwood of Julius West Middle School. Since the Board had no specific issue that needed discussing, the meeting was opened for comments from the audience.

Walter Counts wondered about the development schedule for Tower Oaks. Steve explained that the Concept Plan approved three years ago for 2 million square feet of office space was still the guiding document. To date, only Marriott had signed on as a prospective tenant for 500,000 square feet of space. The Board had no problems with the Marriott proposal but was concerned about the nine acre "school site" just south of Don Mills Court where the City apparently hoped to place an infiltration basin. Since New Mark had just learned about the City's plans, the Board could not yet give the community much information, but several residents were researching the proposal.

Linda Silversmith encouraged the Board to do something about the erosion problem from the top of the dam down to Monroe Street. She was also concerned about erosion near the bridge steps.

Mike Miller urged the Board to continue to insist on the use of pooper scoopers by all dog owners in the community.

Ed Grenning wondered about the status of the houses proposed for the corner of Maryland and Argyle. David Melnick explained that the developer had asked the Planning Commission for an indefinite extension and had been granted one year to come up with a more acceptable proposal.

The resolution of the Flocks dispute was discussed. After negotiations, the Flocks had agreed to lower the fence by removing the trellis. They also said they would make the fence slats narrower and further apart. Rick Kahn asked the Board to comment on how to handle future instances, should they occur. Steve explained that situations like this not occurred too often in New Mark and that they should happen even less now that the importance of filing Architectural Control forms was being

NEW MARK COMMONS HOMES ASSOCIATION
ANNUAL MEETING
THURSDAY, MARCH 19, 1992

Attendees: Pat & Fielding Ogburn, Elise & Russ Brown, Joan Gray, Paul Wenhold, Bob Schreiber, David & Doris Wang, Ellen Cutler, Susan Klise, Allan Evans, Marlene Miller, Deane Ducar, Walter Flinchum, Pat Meagher, Barbara Bach, Norman & Judy Doctor, Bob Roddy, Pauline & Manny Gordon, Stan Sirotkin, Barbara Cano, Ellen & Neil Stein, Beth Fisher, Linda Gangloff, Don Gangloff, Joe Lackey, Walter Counts, Mike Miller, Mitchell Shein, Naomi & Jay Josephs, Mercia Decker, Jason Olasky, Judy Rudolph, Kathy Gall, Paul Giguere, Penny Puziss, Jim & Carol Adcock, Anne Collins, Linda Silversmith, Betsy Burkhard, Rich Astor, Ward Sigmond, Bob Sestili, Helen Reed, Jim Whalen, Eleazer Bromberg, Raj & Madelyn Gupta, Rose & Steve Krasnow, Cora & Harvey Alter, Wini Herrmann, Allen Terhaar, Bob & Ruth Loevinger, Ann & Bob Turner, June Whaun, Edel & John Thalmayer, Marty Reiss, Geoff Becker, David Wolfe, David Melnick, Steve Plotkin, Jim Bullard, Dee Farrell.

The meeting was called to order by President David Melnick at 7:40 P.M. Proper notice of the meeting had been given. Mercia Decker, Treasurer, reported that the Association had almost \$200,000 in Reserves, either in CD's yielding approximately 7% or in a money market account earning about 3.67% interest. In addition, operating funds totalling almost \$100,000 were being held in a checking account at NationsBank or in a government money market fund.

David Melnick briefly recounted the highlights of the past year, including the new lighting that had been installed and the erosion work that had been done in part and was an ongoing project. He then introduced Chuck Montrie, President of Bethesda Aquatics, the company that would be managing the pool in the summer of '92. Chuck announced that it was his company's aim to increase utilization of the pool, which he understood was quite low. He wanted it to become a focal point for the community during the summer, and he mentioned the possibility of putting an outdoor ping pong table on the deck. Rose pointed out that Chuck had been responsible for noticing that the pool had developed a leak and had assisted us in getting the leak repaired. Rose also asked for volunteers to help plan the 4th of July activities, since this was a task Tim Stewart, our former pool manager, had always assumed.

Cora Alter, Chairperson of New Mark's 25th Birthday celebration, related plans for the cocktail party to be held September 19th and told of the interest she had received from former residents who now lived as far away as California. A sign-up sheet was passed around asking for volunteers to help coordinate this special event as well as the events that would be held separately for the entire family.

After determining that a quorum was present, either in person or by proxy, the votes for the election of new officers were deemed valid. Elected to serve three year terms were Neil Stein of 7

Cumbernauld Court, Susan Klise of 1 Stevenage Circle, and Russ Brown of 7 Harlow Court. Rose thanked David Melnick for his years of dedication and service to the community both as a Board member and President of the Association for two years. The community hoped to place a plaque in the clubhouse with the names of each of New Mark's Board Presidents as a testimonial to their contribution.

Discussion turned to the draft of the proposed architectural control guidelines, which had been distributed to all residents. Overall, attendees felt the new guidelines would be very helpful and they complimented the Board's efforts. Paul Wenhold wanted to know if the guidelines were open to revision. He was informed that could be amended or even abolished, since they were not part of the covenants but served only to clarify the intent of the covenant's architectural control requirements. Joan Gray wondered what the Board planned to do about the trash cans that appeared in front of so many homes, even though the covenants said that trash cans were not permitted in public view, except on collection days. The Board recognized that this was a widespread problem in New Mark that needed resolution. Judy Doctor wondered if the guidelines would be retroactive. David Melnick said that this would be hard to do, but the Board was receptive to Norman Doctor's suggestion that notices should be sent to people notifying them that certain elements of their homes were, in fact, nonconforming. Otherwise, owners planning to replace such an element could do so without applying for permission, since replacement of an element with a like element did not need approval. Bob Roddy wanted the guidelines to be more specific, i.e. name the color(s) that could be used to paint a house. The Board pointed out that this would make the covenants much more restrictive and harder to enforce, but agreed to consider this further. Don Gangloff pointed out that the Architectural Control Committee is a review Board and should not have the responsibility of design. Judy Doctor asked that the new guidelines be amended to reflect the fact that the new Tegner townhouses were all built with freestanding mailboxes. Jason Olasky wondered why only clear glass was acceptable. He has mirrored glass on the panels next to his door, and he wondered why this would be unacceptable. David Wang asked about the status of matters currently in litigation. David Melnick said that two cases were currently in court. Neither party had ever filed an ACC application, so the Board was trying, after the fact, to bring the completed projects back into conformity with community standards. Harvey Alter said we should be sure to precede the new guidelines with a statement about the steps the Board plans to follow when a dispute arises beginning with good faith negotiation and continuing to dispute resolution and/or the courts. David Wolfe explained that the Board hoped that it's recent actions made it clear that the Board would litigate if necessary. He felt that Boards in the past had shown a hesitancy to take a matter to court because of the expense involved. This in turn, however, left an impression that residents could do what they wished. Russ Brown asked that the minutes reflect that the consensus of those present was that the new document was a good one.

Under new business, Linda Silversmith asked, once again, if Board meeting agendas could be posted at the clubhouse so residents could know what was to be discussed. She also volunteered to serve as the new Landscape and Grounds Committee Chairperson. She wondered if Earth Day could be less rigid in the future, so that residents could simply clean up their own neighborhoods if they wished, instead of working as a group to clean the common areas. Judy Doctor pointed out that while turnout for Earth Day was low, the event was very well organized and those who participated felt it was a valuable experience.

Joan Gray had learned that unless you have two meters in your house, all water used is subject to a sewer charge as well. This means that you are paying a sewer charge even for the water you use on your lawn. She questioned whether this was right. David Melnick suggested that she look into the matter further and educate the rest of the community.

Cora Alter mentioned that despite the City's new Animal Control Laws, many people were still walking dogs without a leash and failing to clean up after their dogs. Rose reported that she had received more complaints recently about dogs than about any other matter. She agreed to publish the City's dog regulations regularly in the newsletter.

A drawing was held to select a doorprize winner. David Wang, of 14 Farsta, was chosen to receive use of the clubhouse for one event at no cost (\$100.00 value).

The meeting was adjourned at 10:05 P.M.

NEW MARK COMMONS HOMES ASSOCIATION
ANNUAL MEETING
THURSDAY, MARCH 18, 1993

ATTENDEES:

Anne Taylor, Pat & Bo Ritter, Allan Evans, Joan Gray, Bob Schreiber, Irene Hormuth, Dick Leary, Lelen & David Wolfe, Ken & Geri Misner, Toni Schierling, Naomi & Jay Josephs, Susan Klise, Mark Wetterhahn, Wini Herrmann, Norman & Judy Doctor, Ron Anderson, Marlene Miller, Mike and Carol Miller, Deane Ducar, Will Holdsworth, Sally Guardia, Nan & Jim Whalen, Paul Giguere, Fielding Ogburn, Jason Olasky, Steve Wartic & Elia Ben-Ari, Penny & Milton Puziss, Eric Nevins, Jim Bullard, Mort Friedlander, James Oertel, Frank Jerin, Walter Counts, Tom Cannon, Lynn Kaelber, Richard Berman, Sima Osdoby, Richard deFreyre, Dixie Bauer, Bethany Portner, Barbara & Craig Cano, Allen Terhaar, Rick Kahn, Julie & Bernie Chern, Mitch Shein, Bob Walkington, Ira Guzik, Jean & Ed Grenning, Linda Silversmith, Pat Reber, Mel Rein, Art Katz, Mincy & Jerry Neil, Geoff & Leslie Becker, Rose & Steve Krasnow, Bob Hauenstein, Alan Terhaar, Steve Joseph, Jeff Chemtob.

The meeting was called to order at 7:40 P.M. President Geoff Becker introduced the other members of the Board. Rose attested that adequate notice had been given. A quorum call was taken. Geoff then summarized the highlights of the prior year, including the installation of a playground south of the tennis courts, the transition to a pool management company, the highly successful 25th Anniversary celebration, and the adoption of new architectural control guidelines. Norman Doctor moved that the minutes of the '92 Annual meeting be approved. Sima Osdoby seconded the motion, which passed unanimously. In her treasurer's report, Susan pointed out that the Board hoped to get a reserve analysis done by a firm specializing in such studies. The cost would be about \$3000. Alan Terhaar said he would rather see us do our own analysis and spend the money on a project of greater benefit. Ken Misner felt that \$3000 was quite low. Sima asked if we would need to make a contribution to the reserve fund every year or would the fund at some point be "paid up". It was pointed out that a formal analysis would answer that question by establishing an average useful life for each of our assets and determining the replacement cost.

Mayor Duncan was present to answer questions from the audience about issues of importance to New Mark. In his remarks, he addresses the new plans for downtown, the county's intentions with respect to the Seven Locks Detention Center, the future of the Tower-Oaks tract, and whether or not the city would ever assume maintenance responsibility for Lake New Mark or at least acknowledge that the lake was part of the City's stormwater management system.

Bethany Portner then presented the Lake Committee's recommendations that fishing and boating be allowed on the lake. Joan Gray thought it was a great idea as long as only canoes were allowed. Dick Berman felt that boaters and fishing would bring noisy people who would leave behind a lot of trash and who could also possibly be injured, raising a liability question for the Association. That view was echoed by Herb Brubaker and Toni Schierling. Linda Silversmith felt that few boaters would be attracted to the lake, because it was so small that boating would be boring. Mike Miller agreed that boating was a bad idea, particularly since the landscaping around the lake would be destroyed. However, he felt that fishing would provide a pleasant recreational opportunity, and he pointed out that a lake actually needs to be fished. When others again expressed concerns about trash, Bethany suggested that a volunteer committee could collect the trash around the lake on a regular basis. Pat Reber asked if fishing could be restricted to certain areas; Geoff Becker suggested that fishing could be allowed for children 10 and under who were supervised by an adult. Pat Ritter

asked how non-residents would be kept off the lake, and I.D. cards were suggested as a solution. Barbara Cano said that she does not live near the lake and has always felt that her ability to enjoy the lake as an amenity has been restricted. Others again pointed out, however, that it would be unfair to make life miserable for those people whose homes are right on the water. Mincy Neil said that it was her perspective as a realtor that if activities such as boating were allowed, it would make it much harder to sell the lakeside townhouses.

Bethany then gave some background on the dredging project. Ken Misner wanted to know if the city would gain control of the lake if they decided to take on the dredging responsibility. Bob Hauenstein said that he would not want to give up control of the lake just to recover the costs of dredging. Bethany said that the city had no wish to control the lake.

Linda Silversmith reported on the activities of the landscape committee including the redesign of the front island and the survey done of the entire community, with extensive notes that were keyed to pictures of many of the common areas. The Board thanked the committee for all of its hard work.

David Wolfe, Lynn Kaelber, and Geoff Becker were all elected unanimously to serve on the Board for three year terms.

Under general business, questions were raised about the frequency of water main breaks in the community recently. Rose replied that such breaks were not uncommon, but that little could be done to prevent them. It was easier and cheaper for the city to address the leaks as they occurred rather than to replace the entire system of underground pipes.

Milton Puziss was the lucky winner of a \$50.00 gift certificate to the Melting Pot Restaurant. The meeting was adjourned a few minutes after 10 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION
ANNUAL MEETING
THURSDAY, MARCH 17, 1994**

ATTENDEES: Tom Cannon, Milt & Penny Puziss, Barbara Cano, Richard Berman, Anne Taylor, Allan Evans, Geoffrey Becker, Susan Klise, Elaine Parker, Rose Krasnow, Lynn Kaelber, Ron Anderson, Joan Gray, Bob Schreiber, Walter Counts, Ira Guzik, William Holdsworth, Paul Giguere, Jim Denny, Jason Olasky, Robert Loevinger, Dick Fedlam, Bo & Pat Ritter, David Melnick, Jim Whalen, Jacob Stempel, Wini Herrmann, Ralph Mittelberger, Mort Fiedlander, Frank Jerin.

The meeting was called to order by President Geoff Becker at 7:40 P.M. Rose said that the appropriate proof of meeting had been given. However, she noted that a quorum was not present, even though 34 proxies had been received. Geoff explained that the meeting could be held without a quorum as long as no one present voiced an objection. Since there was no objection, the meeting continued.

The minutes of the '93 annual meeting were approved.

In his President's report, Geoff said that 1992 had been a year of milestones, such as our 25th Anniversary. 1993, in contrast, had been a year of challenges. The Association had gone to court over an egregious ACC violation, and had been successful. Richard Winecoff had resigned, and an outside landscape company was hired in his stead. American Pool Service had been selected to replace Bethesda Aquatics, which had been unwilling or unable to provide safe and efficient pool management. A agreement had been reached with Tower Oaks regarding wetland construction, but now new discussions had been undertaken regarding the townhouses they wanted to build just east of New Mark. The Board had entered into a contract to have the lake dredged for the first time in 10 years. Geoff thanked each of the volunteers who had helped make the past year such a strong one for New Mark.

Susan Klise gave the Treasurer's Report. Financially, New Mark was in excellent shape, with \$27,000 in our checking account and an additional \$90,000 in a money market account. Our reserve fund had over \$200,000 in a government money market fund and in bank CD's. Susan stated that our '93 Audit had been successfully completed and that the Auditor's Report was available for review. In conjunction with the audit, she said that the Board had learned that the American Institute of Certified Public Accountants (AICPA) had developed new accounting standards which stated that a reserve analysis is required to supplement, although not required to be part of, the Association's basic financial statements. New Mark had already received several bids for such an analysis and hoped to have the study done during 1994.

Mayor Jim Coyle thanked New Mark residents for their active involvement in City issues over the years. He then addressed several issues of interest to the community, including the new downtown redevelopment plan, the new trash disposal contract with Waste Management Inc., and stormwater management problems. He pointed out that the City would soon have the results back from a study of the Cabin John Watershed, which included Lake New Mark and Dogwood Park. David Melnick, chairperson of the Planning Commission, urged New Mark residents to attend the Commission meetings since many pertinent ideas were discussed in that forum.

Leah Barnett, a Rockville resident and President of the Rotary Club, spoke to those assembled about proposed expansion plans for the County Jail. She said that Rockville residents had first raised their concerns about the growing number of prisoners back in 1983, when the first expansion

of the Seven Locks Detention Center occurred. In 1989, the County convinced Rockville that a "temporary" expansion of the Detention Center that would house up to 750 inmates was absolutely crucial because severe overcrowding was occurring and a riot might occur otherwise. The County then proposed that a second jail would be built on a site chosen in Clarksburg to complement the Seven Locks facility. County Executive Neal Potter, fearing that two jails would be too costly, and that the Clarksburg facility was too far away from the courts, suggested that the entire question of expanding the jail should be reexamined to see if a better site was available. One option that he proposed was expansion of the facility at Seven Locks. Leah pointed out that the Seven Locks facility was outdated technologically, and that there was not enough room for expansion. Furthermore, she pointed out that Federal prisoners were now being housed at the Detention Center since they brought in extra dollars. She felt the Seven Locks facility was not appropriate for this type of use because it was so close to several residential neighborhoods, including New Mark. Leah urged residents to work together against expansion of the Seven Locks Detention Center. A letter writing campaign to the County Council was one of the most effective ways to be heard.

Following Leah's presentation, Rose updated residents on the schedule for dredging the lake, and asked for everyone's cooperation during those times when New Mark Esplanade would be blocked. Bethany Portner reported that the Lake Committee was looking favorably at the idea of putting in a more dramatic fountain, similar to ones that New Mark had early in its history. She said that a bubbler system would also be installed to provide addition aeration to the lake.

Anne Taylor was duly elected to serve a three year term on the Board.

The meeting was opened up to questions or comments from the audience. Pat Ritter pointed out that a light was out on the bike path, and she wondered whether additional lighting could be added. Rose said that the lighting situation in the community was currently under review.

David Melnick asked if the Board planned to rewrite the covenants, since they were due to expire in 1997. He pointed out that under our existing by-laws, we were not eligible to receive legal fees in a suit that we brought, even if we were successful. He was sure that other matters could be rectified in a covenant rewrite as well. Geoff pointed out that obtaining a 2/3's vote in favor of a change would be virtually impossible. He said the Board had recently looked into this matter and had decided to hold off for the time being. The covenants would automatically renew if not rewritten. Moreover, changes could be made at other times, as long as a 2/3's vote could be obtained. Any change so made would not become effective for three years from the date of passage.

Raj asked why the pool cover was already off. Geoff explained that our new pool company wanted to ascertain any repairs that might be needed, particularly in view of the harsh winter.

Joan Gray was the winner of a \$50.00 gift certificate to Taste of Saigon Restaurant.

The meeting was adjourned at 9:50 P.M.

NEW MARK COMMONS HOMES ASSOCIATION
ANNUAL MEETING
THURSDAY, MARCH 16, 1995

ATTENDEES: Frank Jerin, Bob Schreiber, Allan Evans, Dick Berman, David Wolfe, Ann Mason, Deane Ducar, Mal Billings, Anne Taylor, Susan Klise, Tom Cannon, Geoff Becker, Cora Alter, Jim Denny, Nick & Irene Grossman, Milt & Penny Puziss, Craig & Barbara Cano, Rose & Steve Krasnow, Jacob Stempel, Naomi & Jay Joseph, Pat Ogburn, Jim Whalen, David Melnick, Don & Linda Gangloff, Norm & Judy Doctor, Arnold Rubin, Laurie Goldman, Arthur Katz, Michael Miller, Robert & Ruth Loevinger, Susan Leventhal, Carol Hannaford, Terry Treschuk, Teresa James, Charles Holzberger.

The meeting was called to order at 7:45 P.M. by President David Wolfe. It was acknowledged that proper notice of the meeting had been given. Since a full quorum was not present, either in person or by proxy, President Wolfe asked if there were any objections to continuing. Hearing none, it was agreed that the quorum requirement was thereby satisfied. The minutes of the '94 Annual Meeting were approved as read. David remarked that the usual order of business had been changed to allow our speakers to appear first, so that they would not have to sit through the business of the community.

Carol Hannaford, a representative of the City's Human Rights Commission, described the dispute resolution process that Rockville was initiating. She said that the idea had originated with the police, who found they were spending a great deal of time trying to resolve disputes among neighbors that were not criminal but which frequently escalated into more dangerous situations if left unresolved. Since many of these disputes seemed to have racial or ethnic undertones, the commission became involved. Education and persuasion were two key components of the mediation process. Carol pointed out that both sides would have to agree to mediation, and that the commission would have no enforcement mechanism to ensure compliance with the brokered solution.

Terry Treschuk, Chief of the Rockville Police, and Lieutenant Charles Holzberger were present to discuss the concerns of residents that crime was on the rise in New Mark. Chief Treschuk said that in the last 6 months, 42 calls had been received from our community - a number that was really quite low. Nevertheless, he did say that crime was up 2% in the City over the last year. The Chief thought that increased involvement in the Neighborhood Watch Program would be good for New Mark. He said that the police were starting to publish a Neighborhood Watch newsletter, and they would be happy to hold community meetings on issues such as protection of property, self-protection or protecting one's children. These meetings would be free. In response to several questions from the audience, Chief Treschuk gave the following answers:

1) Chief Treschuk said that no decisions had been reached yet with respect to having Central Processing at the Seven Locks Detention Center. Residents who lived in the adjacent area were primarily concerned about people who were booked but not jailed. Terry said that a voucher system had been proposed that would provide taxi service to those individuals who did not have transportation to get back to their place of origin. Chief Treschuk said that the County's 911 system was outstanding.

3) Lieutenant Holtzberger reminded residents that a helicopter flying overhead did not automatically mean that there had been a prison breakout. Only one such breakout had occurred in the last 15 years.

4) It was acknowledged that speeding on Maryland Avenue continued to be a problem, along with running red lights and turning right on red without yielding to pedestrians. Enforcement along Maryland Avenue has been vigorous, however. Rumble strips were unlikely to be accepted by nearby residents because of the noise that would be generated.

Following the presentations, David Wolfe gave his President's Report in which he emphasized that because our community was aging, it required much more attention than it had earlier on. He pointed out that the Reserve Analysis Study had been undertaken for this reason, and that it had proven to be a useful tool for planning expenditures now and in the future. The lake had been successfully dredged in an environmentally friendly fashion. By leaving some of the water in, the fish were saved, and the bubblers had been added to improve water quality. The Board opposed using the lake to provide quantity stormwater management for the city, since such a step would require that the lake be brought up to state standards, the water level would have to be lowered at least a foot and a half, yet the city still would not be responsible for dredging. David also pointed out that the Board had opposed the construction of 19 townhouses at 611 Monroe Street and had been successful. It was felt that these townhouses would have been an incursion on the privacy of residents in New Mark and would have substantially changed the character of the area. In the last year, the Board had hired a new pool management company, Curl Swim Services, and had signed a three year contract with T&J Landscaping. The clubhouse deck had been rebuilt and expanded, the clubhouse was painted, the tennis court was resurfaced, and the lake path had been rebuilt. The Board was currently accepting bids to add additional lighting in the community, particularly around the pool and clubhouse. Mention was then made of the fact that just as the Board had stepped up its efforts to maintain the common elements as they aged, individual homeowners needed to do the same thing with their own residences if property values were to be maintained.

It was announced that Barbara Cano, Susan Klise and Dick Berman had all been elected to serve three year terms. Arnold Rubin was the winner of the door prize - a fifty dollar gift certificate to That's Amore.

After the meeting was officially adjourned at 9:40 P.M., residents were invited to stay to enjoy the refreshments that were offered.

NEW MARK COMMONS HOMES ASSOCIATION
ANNUAL MEETING
THURSDAY, MARCH 21, 1996

ATTENDEES: Geoff & Leslie Becker, Richard Berman, Barbara Cano, Susan Klise, Anne Taylor, David & Helen Wolfe, Rose & Steve Krasnow, Mike and Carol Miller, Frank Jerin, Fran & Jim Denny, Nan & Jim Whalen, Naomi & Jay Josephs, Linda Silversmith, Raj & Madeline Gupta, Mal & Ulla Billings, Milt Puziss, Kathleen Moran, Wini Herrmann, Barbara CAno, Sue Zondlo, Ken Misner, Don Gangloff, Judy Rudolph, Deane Ducar, Dirk Nies, Rachel Zinn, Sonia Perry, Jean Rawson, Pat Meagher, Paul Giguere, Allan Evans, Valerie Masiker, Ron Anderson, Bill & Chris Holdsworth, Jean Kerns, Bob Schreiber, Judith May, Margaretha Bull, Arthur Katz, Mark Smith, John Hansman, Jerry Neil, & Cora Alter.

The meeting was called to order by President David Wolfe at 7:45 P.M. A quorum was not present, either by proxy or in person, since there was a total of 84 votes, 12 less than required. Since there was no objection from those present, it was agreed that the meeting would continue, and that additional proxies would be collected to insure a quorum for the Board election.

The minutes of the prior annual meeting were approved as read. David Wolfe then introduced the officers and other members of the Board. In summarizing the year just past, David pointed out that several negative trends had been observed. These included an increase in hostility among neighbors, an increase in vandalism and crime, and the proliferation of townhouses in the area surrounding New Mark. On a positive note, David pointed out that we had more committees than ever before, including the landscape committee, the tree committee, the stair committee, property maintenance, and the ACC, and that participation by residents had increased. He was pleased that the budget was sound, despite the high cost of snow removal during the recent winter, and that the Association had signed three year contracts with both the landscaping company and the pool management company. These long term contracts would add stability to community operations. David alerted residents to the fact that arrangements had been made with a towing company to enforce the parking restrictions in the townhouse lots, which meant that the appropriate signage would soon appear. Lastly, he pointed out that it was the Board's understanding, based on consultation with counsel, that the Telecommunications Act of 1995 preempted the Board's authority to regulate the installation of small, direct broadcast, satellite dishes.

Before giving the treasurer's report, Susan Klise thanked David for his outstanding leadership as President of the Board for the past two years. Financially, Susan said that all but eight residents had paid the first half of their HOA dues. Our reserve fund held over \$275,000, and this money was invested in a government insured money market fund and several six month to one year CD's.

Tom Howley, of the City's Inspections Division, was the guest speaker for the evening. He pointed out that the city was divided into five districts, and that the inspectors are rotated among these districts every two years. Tom has been covering New Mark for about 7

months. He said that he is responsible for two primary functions - the inspection and licensing of rental properties and the enforcement of the city's property maintenance code. He patrols his district both by foot and by car, looking for properties that have peeling paint, junked vehicles, broken windows, overflowing gutters or broken downspouts, trash and clutter, or grass that is at least ten inches high. He pointed out that he usually only sees a property from the front, unless an adjacent homeowner allows him access to view the rear. In response to a question from Cora Alter, Tom said that approximately 10% of the units in New Mark are rentals (compared to 15% for the city as a whole), and that they do fall under his jurisdiction. Rentals are inspected, both on the interior and the exterior, every two years. He defined a non-functioning vehicle as one that does not have four inflated tires or one that might be missing a door. He pointed out that the city allows one unlicensed vehicle per property. Tom also said that his department is responsible for issuing citations to homeowners who fail to clear their sidewalks of snow, and that he can direct questions about trees that pose a hazard to the city forrester. He said that an actively involved community is the best way to bring people into compliance, because a poorly maintained property will stand out more if all the surrounding properties are in excellent shape.

After thanking Mr. Howley, David asked for committee reports. Linda Silversmith, chair of the landscape committee, said that new members of the committee were always welcome, and that the committee would continue to address specific problem areas that were brought to its attention by residents. David Wolfe, speaking on behalf of the Architectural Control Committee, pointed out that applications were now being required for all exterior work, even if no modifications were planned, because there had been a misunderstanding when one homeowner felt the color of paint they used was the same, when in fact the hue was substantially different.

David announced the Board cocktail party, scheduled for Saturday, April 27th, from 5 - 7 PM. He then introduced the two new Board members who were present, Ken Misner and Jean Rawson. Bob Carty, the third new member, was unable to attend the meeting.

Questions from the floor centered on why it was necessary to use noisy, environmentally unfriendly, gas powered blowers. Residents also commented that trees should be trimmed when they encroach upon the sidewalk.

Madeline Gupta was the winner of a \$50.00 gift certificate to Shelley's Woodroast. The meeting was adjourned at 9:05 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
EXECUTIVE SESSION
MARCH 21, 1996

Following the Annual Meeting, the Board met at 9:15 PM for the purpose of electing new officers. Anne Taylor nominated Barbara Cano as president. Susan seconded the motion, which passed unanimously. Richard Berman nominated Anne Taylor as Vice President, but she declined. Susan then nominated Richard. Jean seconded the motion, which passed unanimously. Barbara nominated Susan Klise as treasurer. Anne seconded the motion, which passed unanimously. Therefore, newly chosen officers for the 1996-97 year are as follows:

President - Barbara Cano

Vice President - Richard Berman

Treasurer - Susan Klise

The meeting was adjourned at 9:45 P.M.

NEW MARK COMMONS HOMES ASSOCIATION
ANNUAL MEETING
THURSDAY, MARCH 20, 1997

ATTENDEES: Barbara Cano, Bob Carty, Susan Klise, Jean Rawson, Rose Krasnow, Jim Whalen, Maria Ysern, Sherry Matz, Wini Herrmann, Mark Fow, Mary Lee, Sally Guardia, Norman and Judy Doctor, Sonia Perry, Susan Leventhal, Jay & Naomi Josephs, Milt & Penny Puziss, Mee Suk Kim. Guest Speakers: Chief Terry Treschuk and Officer Bob Rappaport of the Rockville City Police.

The meeting was called to order at 7:45 PM by President Barbara Cano. A quorum (25%) of homeowners was not present, but those in attendance agreed that the meeting could continue. Rose verified that proper notice of the meeting had been contained in the New Mark newsletter. The minutes from last year's meeting were unanimously approved, upon a motion by Judy Doctor, seconded by Wini Herrmann. Barbara introduced the Board members who were present and stated that Anne Taylor had just returned from a trip overseas, Richard Berman had a work conflict, and Ken Misner was attending a seminar on Reserves on behalf of the Association. In her President's remarks, Barbara said that the year had been a quiet one in the community. Major expenditures included the addition of more street lights in the 300 and 800 block, repairing and resealing the 800 block parking lot, replacing all valves and seals in the pump room, and relandscaping several areas. In the year ahead, the Board hoped to get the steps to the bridge rebuilt, repair and reseal the 200-300 block, and replace several deteriorating timber walls. Barbara said that most of our committees were functioning well, but no one had come forth to chair the social committee. As a result, there was no International Dinner this year. Barbara also pointed out that, as a result of the new FCC rules, the Board could not prohibit satellite dishes less than 1 meter in diameter, although they could have a say regarding placement of the dish.

Treasurer Susan Klise reported that New Mark is in sound financial condition, with more than \$341,000 in the Reserve Fund. This money was invested in 6 month - 1 year CD's and in a Money Market Fund. Some of the money was earmarked for projects planned for 1997, most notably the new steps to the bridge which could cost as much as \$50,000. Susan also reported that 16 people, or 4%, still had not paid their dues. This was double the number compared to this time last year. Legal action had already been commenced against two people. Four were paying in regular installments. Legal action would be commenced against the rest if payment was not forthcoming by the end of the month.

Barbara introduced Chief Terry Treschuk and Officer Bob Rappaport of the Rockville City Police, who were present to discuss crime in New Mark, since two automobiles had been stolen from the community since October. Chief Treschuk said that 86 calls for service had been received from New Mark within the past 12 months, including 38 since September 20th. Of the 38, 10 were responses to an alarm going off. In 10 cases residents called the police because they saw something suspicious. Police were called for the two car thefts, one case of a car being damaged, and for problems arising with children

walking home from Julius West or people fishing in the lake. There was only one case of assault, which occurred between a resident and her boyfriend. Chief Treschuk encouraged residents to call the police to report anything suspicious. In response to a question about people running the light at Maryland and Argyle, he mentioned that citizens should write down the make and model and tag number of any car observed breaking the law. The police could then mail a letter to the offender, letting them know that they had been observed. This program was known as WRITE, for the Witness Report in Traffic Enforcement. Another resident asked why the light at Argyle had four way red. Chief Treschuk responded that this was known as "rest on red" and was designed to slow people down on Maryland Avenue by forcing them to stop, even if there was no traffic coming down Argyle. The need for more lighting and better security at the Metro station was also brought up. The Chief replied that they were working with WMATA to clean up the station, add cameras, and improve safety. Officer Rappaport urged people to become more involved in Neighborhood Watch. He said that the police would be happy to do security checks for individual homes, and they would even check to be sure that parents had installed children's car seats correctly. He announced that the City would be holding a class in June for women only which would deal with sexual harassment, assault and rape prevention. Brochures and refrigerator magnets were made available.

Under general discussion, Sally Guardia asked if routine day-to-day maintenance on the common areas could be improved, particularly in the most visible areas. For example, the grass by the lake had been damaged by the dredging operation and snow plowing and needed to be restored. Likewise, the grassy strip between the street and sidewalk was often devoid of grass. Milt Puziss wondered if shrubs and tree branches could be kept trimmed back away from the sidewalk. Maria Ysern said there was a large hole in the fence between New Mark and the Fireside Apartments. Wini asked if the asphalt surface in the 500 block of townhouses could be repaved in the coming year. Rose responded that the townhouse lots were resealed on a rotating basis, but she would consider adding the 500 block to this year's schedule. There was a general discussion regarding the pros and cons of the continued presence of geese at the lake. Finally, a resident asked for any information that might be available with respect to side-sliding insulated windows.

Upon a motion by Susan Klise, seconded by Judy Doctor, the residents present agreed that the election should be considered valid even though a full quorum was not actually present. Anne Taylor was reelected to serve a three year term.

Sonia Perry won the doorprize of a \$50.00 gift certificate to Café Bethesda North.

The meeting adjourned at 9:10 PM.

NEW MARK COMMONS HOMES ASSOCIATION
ANNUAL MEETING
THURSDAY, MARCH 19, 1998

ATTENDEES: Richard Berman, Sherry Matz, Milt & Penny Puziss, Ira Guzik, Susan Klise, Myrna Rivera, Dick & Ann Leary, Andy Fedlam, Noel Wilkie, Mark Wetterhahn, Amy Sloan, Peggy Metzger, Nan & Jim Whalen, Linda Vance, Pat Meagher, Judy Doctor, Barbara & Craig Cano, Naomi & Jay Josephs, Jean Hiron, Ann & Bill Taylor, Ann Mason, Susie Chi, Mary Lee & Mark Fow, Geri & Ken Misner, Jean Rawson, Allan Evans, Sonia Perry, Rob Johnson, Helen Wolfe, Bethany Portner, Madeline Gupta, Charles Burgdorf, Rachel Zinn, Betsy Miller, Jacob Stempel, Art Katz, Amparo & Manuel Torres, Fred Ducca, Judith May, Hsien Ann Meng, Richard Suchinsky, Dorie Mangan, Christine & Bill Holdsworth, Dick Fiddleman, Rose Krasnow, Rob Orndorff representing the City of Rockville, and Bill Kominers representing Tower Oaks.

The meeting was called to order by President Barbara Cano at 7:40 P.M. Rose Krasnow verified that proper notice of the meeting had been given. In response to the quorum call, Rose said that with the proxies received, 101 homes were represented, which exceeded the 25% requirement of 96 homes. The minutes of the 1997 Annual Meeting were approved, upon a motion by Art Katz, seconded by Naomi Josephs.

Barbara Cano introduced the members of the Board and also publicly recognized Ann Taylor, Editor of the New Mark News; Mary Lee, Architectural Control Committee member, and Raj Gupta, head of the 1998 International Dinner Committee. In her President's report, Barbara highlighted important events of the past twelve months. These included the ongoing landscaping, paving and erosion projects, as well as the addition of more streetlights in the townhouse areas. Barbara announced that the Board had hired a new Landscape contractor, Greenlink Inc., and that the company would be mulching all the street trees along the Esplanade. She mentioned the significant amount of tree pruning and removal that had been done over the past year. She also said that the pool would receive a new whitecoat in the spring, and that landscaping would be added to the new lake steps in the next few months. Finally, she mentioned the successful cocktail party that had been held to celebrate New Mark's 30th Anniversary.

Treasurer Susan Klise reported that the community was in sound shape financially with over \$340,00 in the Reserve Fund. She said that seven people had not paid the first part of their 1998 dues, an improvement over the prior year. The Association had placed liens against three delinquent homeowners and was taking more aggressive action to insure that fees were paid in a timely manner.

Guest Speaker Rob Orndorff then spoke to the community about the City's proposed Street Tree Master Plan. Rob pointed out that the city was responsible for more than 21,000 street trees, and that approximately 300 were replaced each year. In the past, each developer had chosen the street trees to be planted, and consistency in each neighborhood had been achieved. However, when disease or blight hit, the trees in an entire neighborhood could be wiped out, so the City determined that it made more sense to plant

a variety of trees within a neighborhood. A consultant had put together a plan, based on the trees currently planted in a particular area, the size of the planting space, and whether or not there were above-ground utility lines. Input from citizens was now being solicited before the Mayor and Council adopted the plan. Geri Misner asked if a tree had to be replaced when it died. Rob responded that a tree might be moved, but that the State of Maryland, which had oversight authority over the city, wanted the overall number of trees to remain at the current level. Sherry asked what a resident should do if a hazardous tree was observed. Rob asked that all such trees be reported to the City at 301/309-3033. When asked how often the City pruned its trees, Rob responded that pruning was done approximately every five years, and that it evaluated the health of the trees at that time. Geri Misner pointed out that several of the Bradford pears along the Esplanade appeared to be leaning dangerously, but Rob said they were probably just seeking sunlight. Naomi asked what tree would replace the Bradfords, since it was known that mature Bradfords tended to split. Rob said the plan called for either aristocrat pears or London planes to replace the Bradfords. Rob pointed out that while the community might not ever have that same consistent look again, residents still had a chance to pick the trees that would be planted in New Mark. He recommended that a committee be formed for that purpose.

Bill Kominers presented Tower Oak's plan to build twelve homes just south of Don Mills Court. It was the company's hope that these homes could be accessed from Don Mills and that they would become part of the Association. Mark Wetterhahn stated that the residents of Don Mills wanted no more than seven homes and that this figure was not negotiable. Sima Osdoby gave a brief history of the discussions with Tower Oaks, dating back to 1985. Residents had several questions, including how big the lot sizes would be for the proposed homes and who would be responsible for the additional common grounds. The Board agreed to put out an issue paper that would explain the pros and cons of bringing these houses into the community.

Dick Berman spoke about the community enhancement letters that had been sent out. He pointed out that many of the problems noted could cause real damage to a home if they were not addressed. He encouraged residents to make any needed repairs.

Under general discussion, Rose pointed out that the City had a new neighborhood resource program and that Chris Bartlett had been assigned to act as a liaison between New Mark and the City. Naomi Josephs asked why the telephone company was constantly doing work in New Mark. She suggested that rent be charged for their trucks, which were always on community property.

A tally of the ballots cast revealed that Amy Sloan, Sherry Matz, and Anamika Krishna had been elected to the Board. The vote count was as follows: Sloan – 80; Matz – 63; Krishna – 56; Torres – 44; Miller – 38.

Door Prize recipients were then selected. Rob Johnson and Myrna Rivera each won \$20.00 swim passes. Jim and Nan Whalen won a \$50.00 gift certificate to Taste of Saigon. The meeting was adjourned at 9:40 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
ANNUAL MEETING - THURSDAY, MARCH 18, 1999

ATTENDEES: Ken Misner, Jean Rawson, Amy Sloan, Anamika Krishna, Sherry Matz, Anne Taylor, Rose Krasnow, Nan & Jim Whalen, Jay Josephs, Geri Misner, Raj Gupta, Mike Azami, Allan Evans, Tom & Debbie North, Max Bliss, Davida & Eddie Alexander, Sonia Perry, Mike Miller, Mark Fow, Mary Lee, Ira Guzik, Judy Doctor, Richard Leary, Andrew Fedlam, Margaret Sullivan, Ann Mason, Susie Chi, Irene Hormuth, Mark Wetterhahn, Ann Marie Taylor, Barbara Cano, Wini Herrmann, Fred Ducca,, Andrea Eaton, Jeff Bloom, Allan Evans, Bill Holdsworth, Geoff Becker, Roald Schrack, Natalya Teterina, Dorie Mangan, Joe Lackey, Connie Wilkie, Kathy Gall, John Hansman, Arthur Katz, and Lynn Mandujano.

The Annual Meeting was called to order by President Ken Misner at 7:35 P.M. Proof of notice included a flier to every residence and an article in the newsletter. A quorum (96 people) was not present, either by proxy or in person. 46 homes were represented, and ballots had been received from 31 others prior to the meeting. Raj moved that the meeting be allowed to continue, despite the lack of a quorum. Allan Evans seconded the motion, which passed unanimously.

Ken introduced the members of the Board. The minutes of the '98 Annual Meeting were approved, upon a motion by Judy Doctor, seconded by Art Katz.

In his President's report, Ken covered the following:

- To reduce the amount of debris in the lake, the Board hoped to negotiate a contract for monthly cleaning. Installation of a second fountain would occur in the summer.
- The Board had not found a workable solution to the problems caused by the geese. Additional applications of a substance called Rejex-it would take place in the Spring. Low landscape fencing could also be installed to help keep the geese off the sidewalk.
- The Garden Club successfully landscaped the new steps and dedicated a tree to club founder, Helen Reed. After much effort, the graffiti on the new steps was removed.
- The ice storm caused tremendous damage to New Mark's trees, but cleanup was swift, thanks to the City, our contractor, and the efforts of our residents.
- Additional lighting would be added in 1999, based on input from residents.
- To bring costs under control, the Board voted to close the pool at 8 instead of 9, except on Friday nights. Curl Swim Services also agreed to lower their price to retain the contract. A new set of steps and a safety rail had been added at the shallow end of the pool. Safety improvements were made to the baby pool, and the large pool received a new whitecoat.
- The lawn maintenance contract had been awarded to Greenlink, Inc. for a second year.
- The Board was continuing to refine the parking regulations for the clubhouse lot, so as to require all vehicles to have current registration and be in reasonable condition.
- A neighborhood watch representative was needed to coordinate with the police to help reduce sporadic incidents of vandalism.

Rose updated the community regarding the status of the new homes that Tower Oaks had proposed to build at the end of Don Mills Court. Very little progress had been made because residents of the block wanted seven houses, while the developer wanted 11-13.

Rose also announced that the Mayor and Council would hold a Walking Town Meeting in New Mark on Saturday, June 19th. This two hour walk would give residents a chance to point out areas of concern to the Mayor, Council and City Staff.

In her Treasurer's Report, Anne Taylor said that the community had just under \$80,000 in cash for operating expenses. Reserve funds, totaling \$376,000, were distributed among a government money market account and CD's at four, FDIC-insured local banks. Because rates were currently so low, all of the money was invested for 12 months or less. 17 people (4.4% of the community)

still had not paid their dues for the first half of the year. Four of these were more than one payment behind. However, the account most in arrears had been paid in full the day before the resident was to appear in court. Including all legal and late fees, a check had been received for more than \$3000.00. Residents voiced concern about the growing problem of non-payment. Some people felt that names of the non-payers should be published in the newsletter. Others asked if the Board was diligent about collecting the late fee, since this was an incentive to pay on time. It was also suggested that the late fee be raised again.

Under committee reports, Rose reported that compliance with the Architectural Control Committee procedures continued to be good. However, she asked residents to remember that it was not always feasible for the committee to process applications in less than the thirty days allowed, since all the members of the committee were volunteers.

Sherry Matz, speaking on behalf of Linda Silversmith, said that the landscape committee had worked on the new landscaping by the bridge steps and was now doing research on trees so that revisions could be made to the City's Master tree plan.

Mike Miller said that the Property Maintenance Committee had surveyed the townhouses last year and would be looking at single family homes this year. Residents could notify the committee of particular concerns. The purpose of the maintenance committee was to maintain up property values in the community and to point out work that needed to be done before more extensive damage occurred. For example, clogged gutters could lead to roof and ceiling damage. Residents wanted to know the best way to maintain their cedar shingles. They were eager to learn the names of contractors who were experienced with cedar shingle maintenance.

Guest speaker Chris Bartlett, Neighborhood Resource Coordinator for the City of Rockville, told those present that he served as a liaison between the community and the city, keeping residents informed of projects that might affect New Mark. John Hansman asked if the speed limit on Maryland Avenue could be increased, since it was difficult to go only 25 m.p.h. Residents also wondered whether a traffic signal could be installed at Maryland Avenue and the Esplanade and if it was possible to change the timing on the interminably long light at Potomac Valley. Geri Misner asked if another Mailbox could be placed within New Mark or if the current one could be turned around to face the street. Judy Doctor asked if the snow plows could go the wrong way around the cul-de-sacs so that snow would be left around the center circle, not in front of peoples' driveways. Questions were also asked about the possible relocation of Marriott to Tower Oaks and the effect this might have on the community. Chris distributed his card and urged residents to get in touch with him.

Sherry Matz reminded residents that the International Dinner would be held on Saturday, April 10. Ann Taylor reported that 15 homes had signed up so far for the community wide-lawn sale planned for May 8th. Maps would be distributed showing the location of each sale.

Ken Misner, Eddie Alexander, and Dorie Mangan were elected to the Board with 68, 55 and 49 votes respectively. Nan Whalen received 48 votes so the outcome was extremely close. Ken Misner thanked Jean Rawson and Bob Carty for their outstanding service to the community.

Chris Bartlett drew names for Door Prizes. Swim Passes were won by Max Bliss and by Natalya Teterina. The \$50.00 gift certificate to El Mariachi was won by Dorie Mangan.

Mark Wetterhahn moved that the meeting be adjourned. Max Bliss seconded the motion, which passed unanimously. The meeting was adjourned at 9:35 P.M.

stressed in every newsletter and on every bill. Raj pointed out that in the past enforcement had been uneven and this had led to bitterness. The Board was trying to get away from this by following through on each violation and by keeping the community informed about such violations and what the Board had done about them. Steve stressed that nobody on the Board liked to enforce things when it caused pain, particularly financial pain, but as Board members it was their responsibility to do so. Indeed, Judy pointed out that a Board could be sued for not enforcing the covenants. In response to a question about cost, Steve said that since a negotiated settlement had been reached, the cost to the community was trivial. The Flocks expressed dismay that their neighbors signed the architectural control form, called the Board to voice their dismay over the proposed project, but never told the Flocks that they were unhappy. Don Gangloff agreed to revamp the form to include a suggestion that comments about the proposal should be expressed not only to the Board but to the applicant as well. David Wolfe pointed out, however, that even if a plan received the approval of all the neighbors, it was not necessarily consistent with the architectural harmony of the community. Mike Miller of 254 NME wanted the procedures of the committee to be more formal. He felt that an applicant should always be told in writing of the status of his proposal and which members of the committee had met.

Ed Grenning asked about the plans to locate a heliport in downtown Rockville. Rose said that the suggestion had been put forth by the Chamber of Commerce but had not gotten off the ground to date. The city had assured New Mark that studies of the safety and noise impacts would be conducted before any serious consideration was given to the proposal.

Deannie Ducar wondered what the parking committee was doing. Steve explained that they had realized that a great deal of preparatory work was necessary before a proposal could be presented to the community at large.

Rose wanted to know if there was any interest in scheduling a community-wide clean-up on Earth Day, April 22. Linda Silversmith urged New Mark to schedule such an event for a different weekend because so many interesting activities had been scheduled by others on that day.

Milt Puziss wondered why the bike path along the lake was allowed to remain in such deplorable condition. Steve explained that paving contractors were unwilling to guarantee the work as long as the willow tree roots remained in place, and the community had made it clear that they did not want the willows removed. As a result, the Board had no viable option.

Linda Silversmith suggested that an "Honor Roll" of all people who had served on the Board be placed in the Clubhouse.

Rose thanked the outgoing Board members for their dedicated service to the community. The meeting was adjourned at 8:45 P.M.